

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YVONNE R. TYSON,)
Plaintiff,) Case No. C09-1028-JCC-BAT
v.)
MICHAEL ASTRUE, Commissioner of the)
Social Security Administration,)
Defendant.)

**REPORT AND
RECOMMENDATION**

Plaintiff Yvonne R. Tyson brought this action to seek judicial review of the denial of her application for disability insurance benefits and supplemental security income by the Commissioner of the Social Security Administration. Dkt. 5. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 18.

Based on the stipulation of the parties, the Court recommends that this case be **REVERSED** and **REMANDED** for further administrative proceedings. The parties have stipulated that on remand, the Administrative Law Judge (ALJ) will further develop the record and conduct a de novo hearing at which further evidence will be obtained as to the effects of plaintiff's limitations before August 22, 2003. The parties further stipulate that the ALJ will: reevaluate the medical evidence, including consulting school records, if available; address the lay witness

1 evidence pursuant to SSR 06-3p; reevaluate plaintiff's credibility pursuant to SSR 96-7p; further
2 evaluate plaintiff's mental impairment in accordance with the regulations; reassess plaintiff's
3 residual functional capacity; make a new determination as to Plaintiff's disability prior to August
4 22, 2003. Dkt. 18. The parties further stipulate that plaintiff is entitled to reasonable attorney fees
5 and costs pursuant to 28 U.S.C. § 2412(d) et seq. *Id.*

6 Because parties have stipulated that the case be remanded as set forth above, the Court
7 recommends that United States District Judge John C. Coughenour immediately approve this
8 Report and Recommendation and order the case **REVERSED** and **REMANDED** for further
9 administrative proceedings. A proposed order accompanies this Report and Recommendation.

10 DATED this 9th day of March, 2010.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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